

Remarks

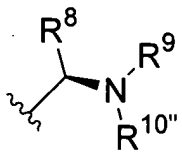
Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

New Power of Attorney

Applicants note that the Advisory Action mailed April 15, 2010 was sent to the previous law firm (KNOBBE MARTENS OLSON & BEAR LLP) despite the fact that a Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney (to WENDEROTH, LIND & PONACK, L.L.P.) was filed in the PTO on September 10, 2009 and a copy of that document was filed in the PTO on March 22, 2010. Both of those new Power of Attorney documents show up on PAIR. Another copy of the new Power of Attorney is submitted herewith. **The Examiner is kindly requested to take the necessary procedure so that all future correspondence concerning this application is sent to the address shown on the new Power of Attorney document.**

Amendments

Considering the Advisory Action, claim 44 has been now been amended to delete the proviso previously inserted at the end of this claim, and in its place, recite a more limited definition for Q. Thus, the third formula for Q, i.e.



has been deleted, and a new alternative definition for Q has been added directed to this formula but omitting hydrogen and unsubstituted straight-chain alkyl from the definition for R⁸, and omitting straight-chain alkyl from the definition for R⁹ and R^{10''}. In this manner, Applicants have avoided the issue of new matter raised by the Examiner in the Advisory Action.

Patentability Arguments

The following is a summary of the prior art of record:

Butler et al. [Organometallics 1988, 1320-1328], compounds 19, 20, and 24.

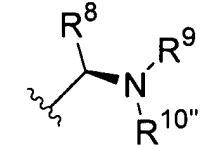
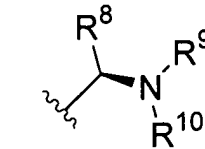
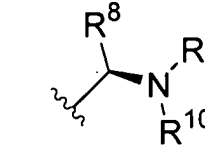
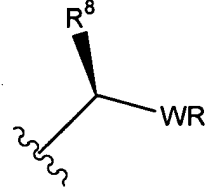
Troitskaya et al. [Russ Chem. Bull. 1999, 48(9), 1738-1743], compounds 2 and 3.

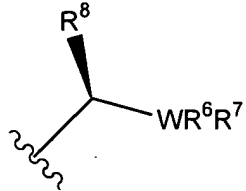
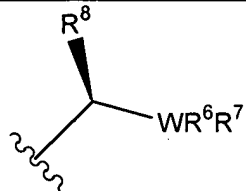
Gambs et al. [Helvetica Chimica Acta 2001, 84, 3105-3126], compounds 2ia,b and 3ia,b.

Bieler, Theses, compounds L13-14

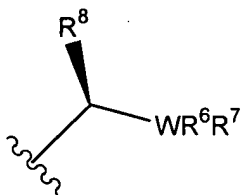
Spindler et al. [US 5,466,844]: claim 16

These compounds appear to fall under instant formula (I) as follows:

Butler et al.: Compounds 19, 20 and 24	Formula (I), n,m=0	
	 Q=	R^8 = straight-chain alkyl (=methyl), R^9 and R^{10} = straight-chain alkyl (=methyl)
Troitskaya et al.: Compounds 2 and 3	Formula (I), n,m=0	
	 Q=	R^8 = H, R^9 and R^{10} = straight-chain alkyl (=methyl)
Gambs et al.: Compound 2ia,b	Formula (I), n,m=0	
	 Q=	R^8 = straight-chain alkyl (=methyl), R^9 and R^{10} = straight-chain alkyl (=methyl)
Gambs et al.: Compound 3ia,b	Formula (I), n,m=0	
	 Q=	W = P

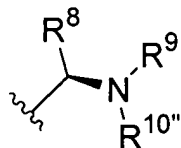
Bieler: L13-14 (15?)	Formula (I), n,m=0	
	 Q=	W = P
Spindler: Claim 16	Formula (I), n,m=0	
	 Q=	W = P

The compounds which fall under Q =



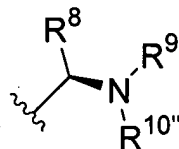
have already been excluded by the claims in the Amendment of March 22, 2010 by cancelling this formula for "Q".

To exclude the remaining compounds, claim 44 has now been amended with regard to the definition of Q =



by excluding from R⁸ both "hydrogen" and "unsubstituted straight-chain alkyl", and by excluding from R⁹ and R¹⁰ "straight-chain alkyl".

Thus, the definition for Q has been separated in order to first define that Q is the group of the formula:

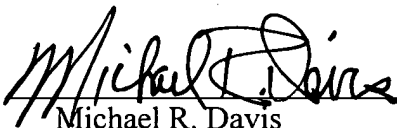


in which the definition for R⁸ has been separated from the definitions for R⁹ and R¹⁰ in order to recite that R⁸ is not "hydrogen" or "unsubstituted straight-chain alkyl" (=methyl), and that R⁹ and R¹⁰ are not "unsubstituted straight-chain alkyl" (=methyl).

In view of these amendments, Applicants take the position that the presently claimed invention has been patentably distinguished from the prior art of record, thus placing the application in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Wei-Ping CHEN et al.

By 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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